

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Ricky Palmer,

Case No. 1:09 CV 1881

Petitioner,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Bennie Kelley,

Respondent.

Petitioner Ricky Palmer, a prisoner in state custody, filed a Petition for a Writ of Habeas Corpus (Doc. No. 1). The case was referred to Magistrate Judge William Baughman for a Report and Recommendation (R&R) pursuant to Local Rule 72.2(b)(2).

The Magistrate Judge filed the R&R on July 7, 2010 (Doc. No. 12). Under 28 U.S.C. § 636(b)(1)(C):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The ten-day period has elapsed and no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report.

United States v. Sullivan, 431 F.3d 976, 984 (2005).

The Court has reviewed the R&R, and having found it legally and factually accurate, adopts the R&R in its entirety. Therefore, the Court denies the Petition for Writ of Habeas Corpus (Doc. No. 1).

Further, under 28 U.S.C. §§ 1915(a) and 2253(c), this Court certifies that an appeal of this action could not be taken in good faith and that Petitioner has failed to make a substantial showing of the denial of a constitutional right. Therefore, this Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 3, 2010